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Director of the United States Patent and Trademark Office  
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In re application of :  
Marie Angelopoulos et al. : DECISION ON  
Serial No. 09/256,034 : PETITION  
Filed: February 23, 1999 :  
For: MULTILAYERED RESIST SYSTEMS USING TUNED :  
POLYMER FILMS AS UNDERLAYERS AND METHODS :  
OF FABRICATION THEREOF :

This is a response to the PETITION TO WITHDRAW NOTICE OF ABANDONMENT, filed October 31, 2002, which requests that the abandonment of October 21, 2002 be withdrawn since the appellants did timely respond to the Notice of Noncompliance with 37 CFR 1.192.

#### DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. Appellants responded to the Notice of Noncompliance with 37 CFR 1.192 of November 20, 2001 by filing a substitute appeal brief on February 6, 2002 in which authorization was granted to charge any necessary fee and the period for extending time under 37 CFR 1.136 had not expired.

It is noted in the Notice of Abandonment of October 21, 2002, the examiner held the application abandoned for appellant's failure to timely file a proper reply to the Office letter mailed on November 17, 2000. This was in error because appellants did respond timely to the Office letter mailed on November 17, 2000 by filing a Notice of Appeal on May 15, 2001 and paying the requisite extension of time fee.

The application will be forwarded to the examiner for consideration of the appeal brief filed February 6, 2002.

The Petition is **GRANTED**.

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